

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

**FILED**

RUSSELL FOUT,

NOV 30 2007

Plaintiff,

v.

Civil Action No. 1:07-CV-108

MICHAEL J. ASTRUE,<sup>1</sup>  
COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.

**ORDER**

On this day came the federal defendant, Michael J. Astrue, Commissioner of Social Security, and moved the Court to extend the time within which he may answer or otherwise move with respect to the complaint filed herein, and it appearing to the Court that good cause exists for said motion, it is hereby

**ORDERED** that the time within which the federal defendant may answer or otherwise move is hereby extended and enlarged for 30 days, up to and including January 4, 2008.

Date: November 30, 2007

  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> On February 12, 2007, Michael J. Astrue became the Commissioner of Social Security. Pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure, Michael J. Astrue should be substituted, therefore, for former Commissioner Jo Anne B. Barnhart, (or Acting Commissioner Linda L. McMahon [if the caption was changed previously]) as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).